

# UTILITY PATENT APPLICATION TRANSMITTAL

## (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
2035.009A

Total Pages in this Submission  
4

### TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**SYSTEMS AND METHODS FOR FREEZING AND STORING BIOPHARMACEUTICAL MATERIAL**

16834 U.S. PTO  
10/724793

120103

and invented by:

Nicolas VOUTÉ  
Maxime N. LOK  
Leonidas Cartwright LEONARD  
Timothy Gerard HUGHES  
Richard WISNIEWSKI

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/254,036

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/905,488

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/863,126

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 18 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal Number of Sheets 5
- b. ☐ Informal Number of Sheets \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy) ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (Specify Label No.): EL 997225318 US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
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**Accompanying Application Parts (Continued)**

17. ☐ Additional Enclosures *(please identify below):*

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims		- 20 =	0	x \$18.00	\$0.00
Indep. Claims		- 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$770.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$770.00

- ☒ A check in the amount of \$770.00 to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 08-1935 as described below.
- ☐ Charge the amount of as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).



Signature

**VICTOR A. CARDONA, ESQ.**  
Attorney for Applicants - Reg. No. 44,589

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**  
5 Columbia Circle  
Albany, New York 12203  
Phone: 518-452-5600  
Fax: 518-452-5579

Dated: December 1, 2003

cc:

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

In Re Application of **VOUTE et al.**  
Title: **SYSTEMS AND METHODS FOR FREEZING AND  
STORING BIOPHARMACUETICAL MATERIAL**  
Attorney Docket No.: **2035.009A**

"EXPRESS MAIL" MAILING LABEL NO. **EL 997225318 US**

Date of Deposit: **December 1, 2003**

I hereby certify that this paper is being deposited with the U.S. Postal Service  
"Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date  
indicated above and addressed to:

**MAIL STOP PATENT APPLICATION**  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

*Christine C. Weber*

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

**DOCUMENTS INCLUDED with this Express Mail Certificate - EL 997225318 US:**

- \* One (1) Acknowledgment Postcard
- \* Check in the amount of \$770.00 for Application filing fee
- \* Large Entity - Utility Patent Application Transmittal Letter (4 pages) (in duplicate)
- \* U.S. Patent Application in 18 pages, including 9 claims and Abstract
- \* Copy of Executed Declaration and Power of Attorney for Patent Application of Nicholas Voute (4 pages)
- \* Copy of Executed Declaration and Power of Attorney for Patent Application of Maxime Lok (4 pages)
- \* Copy of Executed Declaration and Power of Attorney for Patent Application of Leonidas Cartwright Leonard (4 pages)
- \* Copy of Executed Declaration and Power of Attorney for Patent Application of Timothy Gerard Hughes (4 pages)
- \* Copy of Executed Declaration and Power of Attorney for Patent Application of Richard Wisniewski (4 pages)
- \* Formal Drawings (5 Pages)
- \* EFS Application Data Sheet (5 pages)
- \* Copies of Information Disclosure Citations (7 pages) without citations.